

Mediation & Family Matters

News & Information About Kentucky Mediation and Family Court

Spring 2006



First mediation education session draws large crowd

More than 140 attorneys and mediators attended the first continuing mediation and legal education event in Kentucky on Jan. 24 at the Kentucky History Center in Frankfort.

The Department of Mediation and Family Court Services hosted "A Direction of Distinction: A Colloquium on Mediation in Kentucky." Chief Justice Joseph E. Lambert, Secretary of State Trey Grayson and Administrative Office of the Courts Director Melinda Wheeler joined the state's mediation community for a day of lively discussion and networking opportunities.

Lucinda Masterton, director of the Mediation Center of Kentucky, and Paula Young, professor at

the Appalachian School of Law in Grundy, Va., discussed dealing with conflicts of interest, and identifying and addressing personal and cultural biases within the mediator. The Mediation Guidelines for Court of Justice Mediators, adopted in 2005, were introduced as a tool to help mediators find a resolution to these complex issues.

Dr. Daniel Shapiro, associate director of the Harvard Negotiation Project, served as keynote speaker. Along with famed negotiation expert Dr. Roger Fisher, Dr. Shapiro is the co-author of *Beyond Reason: Using Emotions as You Negotiate*.

Dr. Shapiro shared insights he has gained from more than 13 years of research and experience implementing conflict management programs in 21 countries. He emphasized how emotions underscore nearly every aspect of our lives, and that they must be recognized if mediation is to succeed.

Dr. Shapiro said that individuals have five "core concerns" that affect his or her attitudes and willingness to negotiate. He demonstrated how recognizing the core concerns before and during mediation can contribute to the successful outcome of the process.



Chief Justice Lambert presented AOC Director Melinda Wheeler with an award to recognize her support of the mediation program.

Chief Justice Lambert presented AOC Director Melinda Wheeler with a Court of Justice Mediator Certificate to honor her commitment to the growth of mediation in the Kentucky Court of Justice over the course of 25 years. She implemented the first pretrial mediation program in the state's court system. She supported the creation of the Mediator Guidelines and a statewide mediator roster, and the hosting of this colloquium.

Chief Justice Lambert endorsed mediation as a way to save parties time and money while helping to alleviate heavy court dockets. He noted the significant impact mediation has had on the administration of justice in Kentucky and commended the attendees for contributing to excellence in the practice of mediation.



Trey Grayson, secretary of state for Kentucky and second from right in the photo, gave Kentucky Colonels to, left to right, Lucinda Masterton, Paula Young, and Dr. Daniel Shapiro. Masterton is director of the Mediation Center of Kentucky, Young is a professor at the Appalachian School of Law, and Dr. Shapiro is the associate director of the Harvard Negotiation project.



From the Desk of the Family Court Manager

Penny Warren
Mediation and
Family Court Services

Mediation and Family Court Services continues to implement new projects to benefit the citizens of Kentucky.

New Family Court Judgeships

Chief Justice Joseph E. Lambert announced recently that Family Court will be implemented in 8 new circuits, encompassing 17 counties, effective January 1, 2007. The new Family Court divisions are in the following circuits: 13th, Garrard and Jessamine; 16th, Kenton; 20th, Greenup and Lewis; 27th, Knox and Laurel; 38th, Butler, Edmonson, Hancock and Ohio; 42nd, Calloway and Marshall; 53rd, Anderson, Shelby and Spencer; and 55th, Bullitt. A new Family Court judgeship is also planned for Fayette County. These judges will be elected in November 2006. Additionally, the 2006 General Assembly approved 7 new circuit judgeships, 6 of which have been designated by the Supreme Court as Family Court judgeships: 4th, Hopkins; 9th, Hardin; 14th, Bourbon, Scott and Woodford; 39th, Breathitt, Powell and Wolfe; 49th, Allen and Simpson; and 57th, Russell and Wayne. These judgeships are subject to appointment after January 2007. In all, there will be 13 new Family Court Circuits, encompassing 28 new counties. This is a substantial boost in the number of Family Court sites statewide and brings the total number of judicial circuits to be served by Family Court to 35 and the number of counties to 71.

Mediation & Family Matters

News & Information About Kentucky Family Court



Volume 9, Number 1 • Spring 2006

Department of Mediation and Family Court Services

Administrative Office of the Courts
100 Millcreek Park • Frankfort, Kentucky 40601
800-928-2350 • www.kycourts.net

Editorial Staff

Penny Warren, General Manager
Carol Paisley, Assistant General Manager
Pauline Roberts, Divorce Education Coordinator
Shanea Garretson, Permanency Mediation Coordinator
Malissa Carman-Goode, Administrative Specialist
Debbie Stover, Department Assistant

Mediation & Family Matters is published by the Administrative Office of the Courts (AOC) as a forum for the exchange of ideas and information relevant to Kentucky Mediation and Family Court. The viewpoints expressed in the articles submitted do not necessarily represent the viewpoint of the AOC. The Department of Mediation and Family Court Services does not guarantee the accuracy of the information contained in submitted articles and is not responsible for any errors, omissions or results obtained from use of the information.

Mediation Making Remarkable Strides

Mediation has gained great momentum in recent years. Kentucky adopted the Mediation Guidelines for Court of Justice Mediators in 2005. We recently added four full-time and one part-time mediators to assist with the judicial caseload in the heavily populated counties. The Kentucky Bar Association created a new Alternative Dispute Resolution section. Settlement Week programs have taken place in several jurisdictions and continue to expand. There are now more than 120 private mediators on our roster who have agreed to comply with our Mediation Guidelines. In January 2006, AOC sponsored its first continuing mediation event and officially launched a District Court Mediation Program.

The District Court Mediation Program is operating in Boone, Campbell, Fayette, Gallatin, Jefferson and Kenton counties. It provides mediation services to district judges who refer cases directly to the mediators. The mediators are experienced professionals who are prepared to handle small claims cases, civil cases valued between \$1500 and \$4000, probate matters and criminal misdemeanors.

Child Protection Initiative

Last September, I had the privilege of participating on Kentucky's team at the National Leadership Summit on the Protection of Children in Minnesota. The theme was "Justice for Children: Changing Lives by Changing Systems." The distinguished crowd included chief justices, judges, directors of child welfare and juvenile justice agencies, and court officials. Each state was asked to develop an action plan to remove unnecessary barriers to placing children in safe and permanent homes. The presenters emphasized how such changes in the justice and child welfare systems could dramatically change the lives of the children in state care.

Kentucky's team is making progress on a Justice for Children initiative and action plan designed to significantly improve practice in child protection cases by requiring guardians ad litem and parents' attorneys to complete required training, improve data collection and judicial tracking of dependency cases, develop a best practices manual, improve collaboration with the Cabinet for Health and Family Services, identify local barriers and solutions, and conduct judicial and other training programs.

Several speakers from the Minnesota summit will serve as presenters for a special Justice for Children workshop for all of Kentucky's trial judges June 12-13 in Covington. We anticipate holding regional meetings in the future to ensure that our goals are being reached at all levels. Chief Justice Lambert is a strong supporter of the Justice for Children initiative. We look forward to making changes in our system that will benefit in Kentucky's foster children. Thanks to everyone for their contributions to these efforts.

New Administrative Assistant

Deborah Stover joined Mediation and Family Court Services in September as administrative assistant. She previously worked as a deputy clerk for Shelby County District Court. Debbie resides in Shelbyville with her husband Bill, who has retired from the AOC.

Family Court sites carry out community programs, add staff

Boone/Gallatin Counties

Jennifer Raines Dusing is new staff attorney

Jennifer Raines Dusing is the new staff attorney for Boone/Gallatin Family Court. She received her juris doctor from the University of Kentucky College of Law in 2005, where she served as a staff member of the Kentucky Law Journal from 2003 to 2005. She holds a bachelor's degree in sociology from Hanover (Ind.) College and is a graduate of Paul G. Blazer High School in Ashland, Ky. During law school she spent the summers working in the Fayette County Attorney's Office and for the Children's Law Center in Covington. Dusing has also volunteered with Prevent Child Abuse Kentucky.

Christian Family Court

Judge Hall sponsors domestic violence seminar; court participates in domestic violence project

Domestic violence is a family issue and in some cases a member of the clergy may be in the best position to identify the signs of domestic violence and encourage victims to seek help. Family Court Judge Judy Hall sponsored a seminar Oct. 24 titled "What Every Pastor Needs to Know about Domestic Violence." The seminar educated interested members of the clergy about the signs of and remedies for domestic violence. Judge Hall was a presenter along with guest speaker Father Ed Bradley of the Holy Name of Jesus Catholic Church of Henderson, who also serves as chaplain of the University of Louisville basketball team.

Christian Family Court is also participating in a collaborative effort with Montgomery County, Tenn., and Fort Campbell, Ky., on the Military and Civilian Community Response Demonstration Project on Domestic Violence. Family Court Administrator Jim Bailey is the court representative on the project.

Clay/Jackson/Leslie

Artwork displayed in new judicial center

Clay County Family Court started an annual tradition March 28 when it recognized 12 students who were chosen from Clay County schools to have their art displayed in the Family Court area of the new Clay County Justice Center. The art will be displayed in Family Court for one year and then returned to the students. At that time, additional student art will be chosen for display.

Franklin/Boyle/Mercer

Family Court spearheads regional 'Heart Gallery'

In keeping with the adage that "a picture is worth a thousand words," American Founders Bank, Franklin County Family Court and the Department for Community Based Services hosted the 2006 Heart Gallery March 23 at the American Founders Bank Gallery in Frankfort. This unique exhibit, which features gallery-quality photos of children waiting to be adopted, will be on display through

May. The exhibit will also travel to Danville, where it will be hosted by the Boyle/Mercer County Family Court.

The Heart Gallery has grown significantly since its inception. The national project has been featured on Dateline NBC and National Public Radio and in Parade Magazine and The New York Times. Thanks to the media attention, other states and cities have been inspired to host their own Heart Gallery. The Art Area of Kentucky State University installed the local exhibit.

Jefferson County

Family Court featured on ABC News Primetime

In early 2000, the ABC News Primetime news magazine began exploring the possibility of producing a program that would highlight child protective services issues in Jefferson County. The intent was to use the dependency, neglect and abuse dockets in Jefferson Family Court to provide a window into the lives of children in America's child welfare system.

Family Court Judge Patricia Walker Fitzgerald oversaw the project that began in November 2002 when the producer of ABC News Primetime met with court officials in Louisville to determine the parameters of the project and obtain the necessary consents. In November 2004, a news team identified cases and selected judges, officials and agencies to highlight. Filming concluded in early July 2005 and the special aired Aug. 18, 2005. It featured Chief Family Court Judge Stephen George and Family Court Judge Eleanor Garber in a profile of two families dealing with issues of neglect, truancy and child custody. The thought-provoking program was a unique look into the workings of juvenile court, which are confidential and rarely in the public eye. For more information, visit www.abcnewsstore.com.

Family Court hosts Child Protection Conference

Jefferson Family Court hosted the "2005 Jefferson Child Protection Conference: Permanency for Children in Care" on Sept. 30. The event was sponsored by the Administrative Office of the Courts and made possible, in part, by a grant from the Children's Justice Act provided through the Cabinet for Health and Family Services.

Judges, attorneys, social workers and other professionals involved with dependency, neglect and abuse cases attended the one-day event to discuss developmental risks for children in foster care and permanency planning. Featured speakers Dr. Otto Kaak of the University of Kentucky College of Medicine and Dr. James Clark of the University of Kentucky College of Social Work discussed developmental risks for children in prolonged foster care and the work of the Comprehensive Assessment and Training Services (CATS) project.

You're invited to 'Take a Walk on the Child Side'

"Take a Walk on the Child Side" is a family event to benefit the work of CASA (court appointed special advocates) who provide a voice in court for abused and

neglected children. The event is on Sunday, May 21, from 1 - 3 p.m. on The Great Lawn at Waterfront Park in Louisville. For more information, visit www.casajc.org or call 502-595-4911.

Oldham County

Children's waiting room gets a makeover

Artistic volunteers recently gave Oldham County children's waiting room a new look. The new theme drew its whimsy from the Monty Python song, "Always Look on the Bright Side of Life."

Pike County

Family Court Hosts Foster Care Christmas Party

Pike County Family Court and the Big Sandy Foster/Adopt Association sponsored their annual Foster Kids Christmas Party Dec. 8 for the children in Pike, Floyd, Martin, Magoffin and Johnson counties. The event was well attended and the best so far. The party was at the new East Kentucky Expo Center, which was beautifully decorated. Almost 70 foster families and 90 children attended. Also on hand were the guardian ad litem and several of the social workers, assistant county attorneys and volunteers from the Pike County court system.

Warren Family Court

Judges Sponsor Financial Workshop

Recognizing that financial issues often complicate situations in Family Court, Family Court Judges Margaret Huddleston and Catherine Rice Holderfield sponsored two free seminar programs, "Families Striving for Financial Freedom," in Bowling Green. The primary

presenter was a trained financial counselor, Mark Gilliam of Bowling Green, who helped attendees learn how to manage their finances and make smarter decisions about their purchases and debt. The program was open to all citizens, not just litigants in family court.

Warren County Fathers are 'Turning It Around'

Child support delinquency is an ongoing, growing problem across the state. A new program in Warren County focuses on the issue by offering some tough love to fathers who have fallen behind.

Modeled after a program in Jefferson County Family Court, Turning It Around gives fathers on the verge of jail time a way to turn their lives around. Participants agree to attend one class each week for 12 weeks and to make their child support payments. Facilitator Brian "Slim" Nash does not tolerate participants who fail to take this opportunity seriously. An arrest warrant is issued if a participant misses a meeting or a payment.

Turning It Around offers classes that focus on the welfare of the children, with sessions on improving parenting skills, promoting a healthy relationship with one's child and keeping child support obligations. As the fathers begin to mend their relationships with their children, the payments become more consistent.

The 20 participants of this first class are keeping up with their payments and no one has been sent to jail.

Corrections

In the last newsletter, we failed to give credit to Jeanie Adams-Smith for a photo she provided for the story titled "Team Approach Helps Facilitate Permanent Homes for Children." Also, Judge Thomas Steven Bland was not listed as a participant in Hardin County's Adoption Day events.

Mediation and Family Court Services
Administrative Office of the Courts
100 Millcreek Park
Frankfort, Kentucky 40601

